

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TOMMY LEE MATTHEWS,

Plaintiff, No. CIV S-05-0437 LKK GGH P

vs.

SACRAMENTO COUNTY, et al.,

Defendants. FINDINGS & RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. The court has concurrently issued an order addressing the amended complaint filed April 21, 2005. In this order, the court found that the amended complaint stated a colorable claim for relief against defendant Para. The court also found that the amended complaint did not state a colorable claim for relief against defendant Sacramento County Sheriff's Department. For the reasons stated in that order, the court now recommends that the claims against defendant Sacramento County Sheriff's Department be dismissed.

IT IS HEREBY RECOMMENDED that the claims against defendant Sacramento County Sheriff's Department contained in the amended complaint filed April 21, 2005, be dismissed.

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These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: 5/25/05

/s/ Gregory G. Hollows

**GREGORY G. HOLLOWSS
UNITED STATES MAGISTRATE JUDGE**

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